

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Robert Van Cott, et al.,

Case No. 3:23-cv-755

Plaintiffs,

v.

ORDER

Lowe's Home Centers, LLC, et al.,

Defendants.

Lowe's Home Centers, LLC filed a Third-Party Complaint on September 1, 2023. (Doc. No. 10). Federal Rule of Civil Procedure 4(m) provides:

If a defendant is not served within 90 days after the complaint is filed, the court--on motion or on its own after notice to the plaintiff--must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Ninety days have elapsed since the filing of the Third-Party Complaint, and there is no indication on the docket that Lowe's has perfected service on the Third-Party Defendant in this action.

By December 22, 2023, Lowe's shall either show service has been perfected on the Third-Party Defendant or show cause for the failure to do so. If Lowe's fails to do either, its Third-Party Complaint will be dismissed without prejudice under Rule 4(m).

So Ordered.

s/ Jeffrey J. Helmick  
United States District Judge